

MINUTES OF THE NORWALK CITY COUNCIL MEETING ON 12-17-15
(Unabridged)

Mayor Tom Phillips called the City Council meeting to order at 6:02 p.m. Present at roll call: Erika Isley, Kyle Jackson, Ed Kuhl, Jaki Livingston and Erik Delker.

(RC = roll call vote)

Staff present included: Marketa Oliver, City Manager; Jodi Eddleman, City Clerk; Jean Furler, Finance Director; Tim Hoskins, Public Works Director; Nancy Kuehl, Parks and Recreation Director; Holly Sealine, Library Director; Greg Staples, Police Chief; Wade Wagoner, Planning and Economic Development Director; Ryan Coburn, Acting Fire Chief; and Jim Dougherty, City Attorney.

Mayor Phillips noted that item 10, Consideration of a resolution approving contract and bonds for the Cedar Street & Beardsley Street Pavement Improvements, was removed from the agenda and added to the January 7th, 2016 agenda.

15-256 Isley moved, Livingston seconded, to approve the **agenda** as amended. Voice vote carried unanimously.

Presentation(s)

Mayor Phillips presented the Norwalk Football team with window clings and congratulated them on making it to the state championship game.

Welcome of Guests and Public Comment

With no one present wishing to speak, Mayor Phillips opened the City Council meeting.

15-257 Livingston moved, Jackson seconded, to approve **minutes** of the December 3, 2015 regular council meeting. Voice vote carried unanimously.

15-258 Isley moved Livingston seconded to remove item M off of the consent agenda. Voice vote carried unanimously.

Consent included **tax abatements**; **liquor license renewal** for 804 Main; Approving writing off bad debts; **Resolution 1217-15-155** setting January 7th, 2015 as public hearing date on development agreement with United Properties; **Resolution 1217-15-156** setting January 21st, 2015 as public hearing on rebate agreement with Norwalk Community School District; **Resolution 1217-15-157** setting date and time each year for Beggars’ Night for October 30 from 6:00 to 8:00 p.m.; **Resolution 1217-15-158** approving the renewal of concession contract with JLS Vending for McAninch sports complex; **Resolution 1217-15-159** authorizing the city to submit an application for surface transportation program funding for federal fiscal year 2020 to Des Moines Metropolitan Planning Organization; **Resolution 1217-15-160** authorizing the city to submit an application for transportation alternatives program funding for federal fiscal year 2020 to Des Moines Metropolitan Planning Organization; **Resolution 1217-15-161** amending Safety Coalition of Central Iowa Cities 28 agreement; **Resolution 1217-15-162** approving a preventative maintenance agreement on city’s four generators not to exceed \$25,138.64; **Resolution 1217-15-163** waiving the plat review for the Burl Oak Plat 2 (formally known as Rolling Hills) Preliminary Plat; receipt of the November department **reports** and the FY 17 development agreement rebates report and **expenditures**:

ACCURATE HYDRAULICS	TRUCK #610	588.00	KELTEK INC	EQUIPMENT	3,921.94
ACK ENTERPRISES	PARTS	225.00	MATHESON	SUPPLIES	211.58
ACME ELECTRIC CO	SUPPLIES	47.88	MEDICAP	SUPPLIES	269.46
ALEX AIR APPARATUS	EQUIPMENT REPAIR	450.00	MENARDS	PAINT SUPPLIES	97.19
BATTERIES PLUS	BATTERIES	102.85	MERCY COLLEGE	ECARD	8.50

BOBS TROPHIES	BADGES	155.40	MIKE MYER	NUISANCE	120.00
BOUND TREE MED	SUPPLIES	188.96	MPS ENGINEERS PC	HOLLY DRIVE	145,224.10
BROWN EQUIP	XMARK MOWER	228.96	MUNICIPAL SUPPLY	SUPPLIES	3,292.85
CARPENTER UNIFORM	PARKER	630.55	NADO	CONFERENCE	490.00
CDW GOVERNMENT INC	PARTS	47.28	NANCY KUEHL	REIMBURSE	129.37
CENTURYLINK	PHONE SERVICE	546.83	NWTC	PUB HRG	294.40
CONSTRUCTION & AG	PARTS	64.33	NORWALK HARD	SUPPLIES	261.48
DES MOINES IRON	CHAIR RACK	349.91	NORWALK READY-MIX	LIMESTONE	1,140.00
DES MOINES REGISTER	REZONE PUB HEAR	30.41	O'HALLORAN INTL	PARTS	218.85
DES MOINES STAMP	CERT COPY STAMP	32.70	OCCUPATIONAL HEALTH	TEST	86.00
DEWITT PAINTING	LIBRARY CEILING	2,685.00	OREILLY AUTO PARTS	MUD FLAPS	45.98
DIAMOND VOGEL PAINTS	HYDRANT PAINT	64.20	OVERHEAD DOOR	REPAIR	192.00
DM METRO ELECTRIC	ELECTRICAL WORK	792.88	PERFECTION LEARNING	SUPPLIES	202.78
EMERGENCY APPARATUS	REPAIR DRAIN LINE	595.28	PROFESSIONAL DEVELOP	MEMBERSHIP	320.00
EXCEL MECHANICAL	TRAIN RM SVC	710.00	RANKIN COMM	PHONE INSTALL	388.29
FARMERS COOP	DOG FOOD	43.88	SAM'S CLUB	SUPPLIES	406.21
FASTENAL	SUPPLIES	440.67	SCOTTS FOODS	SUPPLIES	813.85
G & L CLOTHING	UNIFORMS	1,667.38	SHIVE HATTERY INC	CEDAR STREET	24,928.70
GE CAPITAL	COPIER LEASES	520.00	SHRED IT	SHRED SVC	46.06
GRAINGER INC	AIR COMPRESSOR	349.20	SIRCHIE	SUPPLIES	338.68
HALLETT MATERIALS	PEA GRAVEL	290.96	STANDRIDGE GROUP	FORMS	420.00
HARVEY'S AUTO	GOLF CART	1,101.56	STAR EQUIP	EQUIPMENT	1,350.00
HAWKEYE TRUCK	PARTS	1,998.00	TERMINIX INTL	MAINT	67.00
HOTSY CLEANING	FLEETWASH BULK	1,440.00	THOMPkins IND	HOSE PARTS	123.48
INDIANOLA FIRE DEPT	BILLING SERVICE	1,435.00	TK CONCRETE	WAKONDA	368,842.52
INDOFF INC	LOBBY RACK	899.12	TRUCK EQUIP	BLADES	750.28
INTERSTATE POWER	FIRE TRUCK #610	980.28	TRUE VALUE WDSM	ICE MELT S	149.39
IOWA DOT	FENCE SLEEVE	161.00	TYLER TECH	SUPPORT	115.00
IOWA EMS	TREATMENT	200.00	U S POSTAL	PS POSTAGE	300.00
IOWA PHYS	MEDICAL SERV	38.00	UNITYPOINT	PRE EMPL	22.00
IA PRISON INDUSTRIES	STOP SIGN	504.90	VEENSTRA & KIMM	SILVERADO PLAT 2	3,975.85
IA RURAL WATER	DUES	375.00	VITAL SUPPORT	SMARTNET	2,687.50
IOWA WINDOW	MAINT	85.00	ZIEGLER INC.	WHEEL LOADER	166,040.00
JAMES OIL	FUEL	203.28			
KABEL BUS	HRA CHECKS	1,989.16			

15-259 Motion by Livingston, seconded by Delker, to approve the **consent** agenda passed unanimously, RC.

15-260 Motion by Livingston, seconded by Delker to pass the second reading of a proposed **ordinance amending the following sections of the zoning ordinance: definitions, non-conforming accessory structures; exceptions and modifications; home occupations; privately owned improvements; bulk regulations table; zoning districts; multi-family off-street parking; buffers; and, architectural standards** passed unanimously, RC.

15-261 Motion by Livingston, seconded by Isley to waive the third reading of **Ordinance No. 15-13** passed unanimously, RC.

Mayor Phillips opened the **public hearing** regarding proposed contract documents (plans, specifications and form of contract) and estimated cost for the Cedar Street & Beardsley Street Pavement Improvements at 6:13 p.m. Eddleman reported receiving no comments. No one present wished to speak. Mayor Phillips closed the public hearing at 6:14 p.m.

15-262 Motion by Isley, seconded by Livingston to adopt **Resolution 1217-15-150** approving and Confirming Plans, Specifications, Form of Contract and Estimate of Cost for the Cedar Street & Beardsley Street Pavement Improvements passed unanimously, RC.

15-263 Motion by Livingston, seconded by Delker to adopt **Resolution 1217-15-151** awarding Contract for the Cedar Street & Beardsley Street Pavement Improvements passed unanimously, RC.

15-264 Motion by Livingston, seconded by Kuhl to pass the second reading of a proposed ordinance amending the official zoning map of the City of Norwalk, Iowa, by rezoning certain property from C-2, C-0, R-4, R-1, and CD to planned unit development (PUD) and to adopt the master plan and establish the rules, regulations, and guidelines for the development of the North Shore PUD, passed 4-0, Jackson abstaining.

15-265 Motion by Livingston, seconded by Isley to pass **Ordinance 15-12**, passed 4-0, Jackson abstaining.

Wagoner addressed the council regarding the multi-family garage requirements. Wagoner stated that the original ordinance had a 100% ratio which would require one garage for every apartment unit. The home builders and other apartment representatives think that the requirement is onerous and have asked that it be reduced to 60%. It was the consensus of the council to pass the ordinance with a 70% ratio.

15-266 Isley moved, Livingston seconded to approve consideration of the **first reading** of an ordinance amending the following section 17.10.060.2(D) of the zoning ordinance related to garage requirements for Multi-Family Dwelling-apartments passed unanimously, RC.

Mayor Phillips read an email from Scott James for the record. It read, "At this time we are trying to make an agreement with the developer. Until a final deal is done the remaining part of Masteller road needs to remain open. This is a traffic safety issue. Our trucks and McAninch trucks can enter and exit safely using the remaining part of Masteller road. If the road is closed it will cause a huge traffic safety problem with only one entrance off of Beardsley. Our trucks are 60 feet long and with traffic at the stop light heading west we can't make the turn. Again this will make a huge traffic safety issue. I am hopeful that we can get this land deal done in the very near future. Sincerely yours, Scott James."

Scott McMurray, United Properties stated that United Properties is trying to move forward with the grading. If the council passes the ordinance the road would most likely come out tomorrow if not then it is a major redesign.

Delker expressed his concern with the trucks coming in on highway 28.

Jackson asked where United Properties and Scott James were in negotiating a purchase agreement.

It was the consensus of the council to pass the first reading of the ordinance tonight and have the Planning and Economic Development Director contact Scott James to let him know that the council's intention is to move forward with the adoption of the second and third readings at the next council meeting.

15-267 Jackson moved, Livingston seconded to approve consideration of the **first reading** of an ordinance ordering the vacation of easements on, and the closing of the north-south portion of Masteller Road passed unanimously, RC.

15-268 Livingston moved, Jackson seconded to adopt **Resolution 1217-15-153** approving an engineering agreement for the 2016 North Avenue Trail Project passed unanimously, RC.

Jean Furler presented information to the council regarding the local option sales and service tax.

Livingston asked if the word operation could be added to the resolution.

15-269 Livingston moved, Jackson seconded to adopt **Resolution 1217-15-154** directing how revenues from the imposition of a local option sales and service tax (LOSST) would be used in the City of Norwalk should the proposal be approved by the electorate including language that would use funding for operations as well as capital improvements passed unanimously, RC.

Oliver opened the discussion on water and sewer availability charges. She said upon implementing the new ordinance that the Council approved earlier in the year, staff was charging the water and sewer availability fees per unit, meaning per dwelling unit. She said the Council had received an email from the owner of apartment buildings. Since implementing the water and sewer availability charges, the City had received complaints from some apartment owners because it was a sizeable increase. In implementing the adjustments, it was discovered that the property owner who sent an email on the rates, had not been historically charged correctly, so the increase on their bills was compounded by being undercharged previously. The property owner indicated in their bill that they were being charged differently than commercial landlords, and that is not correct. Commercial landlords should also be charged the availability charges per unit as well. City staff had also taken the concerns of the apartment owners to the Utility Advisory Commission to discuss. They reviewed how the charges are being handled and did not recommend any change or reduction. Subsequent to that discussion, the City received an inquiry from the State Ombudsman's office. The purpose of the discussion was to ensure that staff was charging the water and sewer availability charges correctly. Jackson said the Council's intent was that they should be charged per unit, dwelling unit. There was consensus that this was the City Council's intent and the ordinance was being applied correctly. Oliver said the Ombudsman's representative recommended reviewing the language in the ordinance to see if the intent could be clearer and taking that action, if needed.

NCIS Project Update

Hoskins said the driveways on Wakonda have been poured. The area with the finger pond has had a temporary cap put over it. Discussion has been had on putting in cluster mailboxes. MidAmerican is in the process of engineering the street lights. The intersection at Highway 29 is open

Isley asked how much was being withheld in the payment to the contractor. Hoskins said the city withheld an additional \$100,000. In total \$200,000 could possibly be withheld.

Reports

Kuhl would like to review the operational rules and policies of the council.

Wagoner reported that he received an executed deed for the 1.88 acres for the regional storm water retention facility.

Staples reported that the Norwalk police department handed out fliers to customers at Fareway regarding holiday safety.

Furler reported that she had met with department directors on their budgets.

Jackson said that he has appreciated serving the Council. The council has accomplished some great things because of the phenomenal caliber of staff and that starts with Marketa. He commended the department head team and their talents and skills they bring to the table and appreciates how hard they work. He said all of the City's staff is great to work with and there are none better.

Isley recognized Jackson and Delker last meeting as councilmembers.

Oliver noted that it was a great pleasure to work with Delker and Jackson and appreciates all of the many contributions that they have made.

Mayor Phillips gave Jackson and Delker plaques and city coins in honor of their council service and thanked them.

15-270 A motion by Livingston seconded by Jackson to **adjourn** at 7:18 p.m. passed unanimously on a voice vote.

Tom Phillips, Mayor

Attest:

Jodi Eddleman, City Clerk